

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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2008 APR -4 AM 9:53

**IN RE: ASBESTOS PRODUCTS LIABILITY  
LITIGATION (NO. VI)**

THERESA H. OWENS  
CLERK US DIST COURT  
WD OF WI

This Document Relates To:

Cases from the law firm of  
Cascino Vaughan Law Offices, Ltd.

U.S. DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WISCONSIN,  
MADISON DIVISION

Bolton v. A. C. and S., Inc., et al.,  
Case No. 96-C-0232-S

Civil Action No. MDL 875

**MOTION TO SUGGEST REMAND**

Now comes Jean E Bolton, spouse of John R Bolton, Deceased, by one of her attorneys, MICHAEL P. CASCINO, and moves this Court to suggest remand of Bolton's case to the U.S. District Court for the Western District of Wisconsin, Madison Division, for trial and states:

1. John R Bolton, now deceased, had lung cancer and is entitled to trial for money damages against the defendants. A copy of the diagnosis of lung cancer is attached hereto.
2. Most of the defendants have been settled, are in bankruptcy or have been dismissed from the case. The remaining defendants are Anchor Packing, AW Chesterton, Durabla, Garlock, General Electric, General Refractories, Georgia Pacific, Rapid American, and Westinghouse.

WHEREFORE, plaintiff prays this Honorable Court enter an order suggesting remand to the U.S. District Court for the Western District of Wisconsin, Madison Division.

DENIED  
James T. Giles  
3/19/2008

Respectfully submitted,

By: s/ Michael P. Cascino

One of Plaintiff's Attorneys

Michael P. Cascino  
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Deliver to Baruch E Kahana MD  
Printed from Combined Medical Record

Page 1  
at 06/24/05 09:25

John R Bolton (992461) Male Birthdate: 11/17/1925 Lakeland Center  
Surgical Pathology Report by Thomas E Theiss MD for service on 06/21/2005

\*\*\* TEMPORARY COPY \*\*\*

**SURGICAL PATHOLOGY REPORT**

ACCESSION NO: L-05-907

LOCATION: Lakeland Regional Center

**Physician(s):**

M A Harding MD  
S Thome MD

**Clinical History:** Soft tissue mass back.

**Operation/Procedure:** Core biopsy soft tissue mass.

**Gross:** Received are multiple tan-white 0.1 cm. diameter core biopsies of tissue ranging in length from 0.2-0.6 cm. which are submitted in one block.  
TET/sbh (6-22)

**Microscopic:** Sections show a moderately differentiated adenocarcinoma composed of cribriform glands with surrounding desmoplastic reaction present within fibroadipose tissue. The tumor is positive for CK7 immunohistochemical stain and negative for CK20, TTF1, and PSA. Controls react appropriately.

**Comment:** With this cytokeratin immunohistochemical staining pattern possible primary sites would include but are not limited to lung, breast, upper GI, and pancreas. TTF-1 stain is negative which is positive in about 75% of lung adenocarcinomas. The cytokeratin pattern makes colorectal carcinoma unlikely. Case reviewed with Dr. Hertel.

**Diagnoses:** Soft tissue mass, back, core biopsy - Metastatic adenocarcinoma, moderately differentiated (see comment).  
(T1A-M81406)

(PAS-6)I

Thomas E. Theiss, MD/sbh (6/24)  
Department of Pathology  
Howard Young Med Ctr  
240 Maple St, Woodruff, WI 54548  
Phone: 715-356-8171  
Fax: 715-356-8064

Electronically signed by Thomas E Theiss MD on 06/24/2005.

CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2008, I electronically filed the foregoing with the United States District Court for the Eastern District of Pennsylvania, and I mailed copies by United States Postal Service to the following attorneys:

See attached Service List.

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**SUGGESTION OF REMAND**

THIS MATTER being reviewed this date upon Plaintiff's Motion to Remand to the U.S. District Court for the Western of Wisconsin, Madison Division, and the Court having reviewed this case and having had settlement conferences with the parties; and now believing that such motion is appropriate since few defendants remain for trial;

THE COURT FINDS that the issue of punitive damages must be resolved at a further date with regard to the entire MDL action, and therefore any claims for punitive or exemplary damages are hereby ORDERED severed from this case and retained by the Court within its jurisdiction over MDL 875 in the Eastern District of Pennsylvania.

THE COURT SUGGESTS that the within entitled matter should be REMANDED to the U.S. District Court for the Western District of Wisconsin, Madison Division for resolution of all outstanding motions and such further action as may be deemed proper by that Court.

BY THE COURT:

Date: \_\_\_\_\_

\_\_\_\_\_  
Honorable James T. Giles